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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,749	04/09/1998	MALCOM B. STRANDBERG	DAVOX-144XX	6738

28452 7590 11/21/2003
BOURQUE & ASSOCIATES, P.A.
835 HANOVER STREET
SUITE 303
MANCHESTER, NH 03104

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/057,749

Applicant(s)

STRANDBERG, MALCOM B.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-6, 8-10, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dezonno et al. (U.S. Patent No. 6,282,284) in view of Srinivasan (U.S. Patent No. 5,185,782), and Sutton (U.S. Patent No. 4,143,243).

Regarding claims 1 and 10, Dezonno et al. teach a method and system for establishing voice communications between a computer user and an agent of a business over a computer network. The computer user is offered a callback at time of the user choice correspond to a request from the user. The system as taught by Dezonno et al. includes a computer network interface and an automated dialer system. The automated dialer system comprises a call back campaign manager, a call scheduler, and a telephone number dialer (see entire patent). Dezonno et al. further teach that ACD detects when the user the call, as distinguished from an automated answering machine, a busy signal or no answer (column 5, lines 11-21). . It should be noticed that when the user uses the telephone line, it is inherent that the user is proximate an origin point of the telephone line. Dezonno et al. differ from the claimed invention in that Dezonno et al. fail to teach the feature of immediately redial in case a line of a telephone number to be dialed is busy. However, Srinivasan teaches a system and method wherein if a call does not get through,

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the arrangement repeatedly periodically repeats placing of the outgoing call (redial), until the call gets through (Abstract, lines 14-16). The difference is that Srinivasan teaches redialing periodically rather than immediately. However, immediately and continuously redialing a busy line is a well known feature in the art of telecommunications. For example, Sutton teaches a telephone set which will automatically redial a telephone number after a busy signal has been received and continues redialing that number until the party being called answers, or until a predetermined number of attempts have been made (Abstract). Modifying periodically redialing into immediately and continuously redialing lies under a normal capability of a skilled person in the art of telecommunications. Since Dezonno as well as Srinivasan teach the system and method concerning a call center, they could be combined by a skilled person in the art. In addition, Sutter and Srinivasan are related by a telecommunication system, a person skilled in the art would use the teachings of Sutter into Srinivasan. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of immediately and continuously redial as taught by Srinivasan and Sutter into the system and method as disclosed by Dezonno in order to allow a customer using a data network to be called back by an available agent of a call center, and in case the line of the customer is busy, the call is immediately and continuously redialed until the call is answered by the customer.

Regarding claim 3, Dezonno et al. further teach the computer network interface interfaces the computer network to agent terminals connected to the automated dialer system (Fig. 1).

Regarding claim 4, see Dezonno et al., column 5, lines 41-54.

Regarding claim 5, see Dezonno et al., column 6, line 17.

Regarding claim 6, see Dezonno et al., column 4, lines 60-64.

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Regarding claims 8 and 9, Dezonno et al. fail to teach the call back data is transmitted over a global computer network using a CGI script or a JAVA language script. However, this is a design choice and lies fully under a capability of a person skill in the art.

Regarding claim 13, see Dezonno et al., column 5, lines 6-10.

Regarding claim 14, Dezonno et al. further teach the method wherein the call back data includes at least one time to be called back, wherein at least one of the telephone numbers is scheduled according to the time to call back (column 4, lines 10-29).

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dezonno et al. in view of Srinivasan, and Sutton as applied to claim 1 above, and further in view of Szlam et al. (U.S. Patent No. 5,828,731).

Regarding claim 2, Dezonno et al., Srinivasan and Sutton fail to teach the system wherein the predictive dialer includes a call pacer that paces dialing of the telephone numbers according to a call pacing algorithm. However, Szlam teaches an apparatus for non-offensive termination of an outbound call wherein the call pacing algorithm be adjusted to err on the side of calling too many parties rather than too few parties in order to maximize the utility of the agents. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of pacing algorithm as taught by Szlam into the system as disclosed by Dezonno et al., Srinivasan and Sutton in order to maximize the utility of the agents.

Response to Arguments

4. Applicant's arguments filed August 25, 2003 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Dozonno et al. teach a method and system for calling back a computer user who requests a call back at a specified time or immediately (Fig. 3). Dozonno et al. teach the feature that the ACD detects a busy signal if the computer user is using the line, but Dozonno et al. fail to teach repeat dialing if the busy signal is detected. Srinivasan supports the feature where the call center periodically redialing if the line is busy. Sutton supports immediately and continuously redialing until the call is answered by a customer. Therefore, the Examiner believes that applying immediately and continuously redialing until the call is answered by a customer in a call center is in the knowledge generally available to one of ordinary skill in the art.

Conclusion

5. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink that reads "Benny Q. Tieu". The signature is written in a cursive, flowing style.

BENNY TIEU
PRIMARY EXAMINER

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November 13, 2003